
Appeal Decision

Site visit made on 12 June 2017

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd June 2017

Appeal Ref: APP/N0410/W/17/3167160

10 Baring Crescent, Beaconsfield, Buckinghamshire HP9 2NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Logi Homes Ltd against the decision of South Bucks District Council.
 - The application Ref 16/01957/FUL, dated 13 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is demolition of existing dwelling and erection of a pair of semi-detached dwellings, one with integral garage and on-site parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of a pair of semi-detached dwellings, one with integral garage and on-site parking at 10 Baring Crescent, Beaconsfield, Buckinghamshire HP9 2NG in accordance with the terms of application Ref 16/01957/FUL, dated 13 October 2016 and subject to the 13 conditions in the attached Schedule.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area, having particular regard to the size of the new dwellings, the proposed car parking provision and outdoor amenity space.

Reasons

3. The appeal site is located within an established residential area comprising a range of architectural designs and forms, including detached and semi-detached 2 storey properties and detached bungalows. There is a detached bungalow upon the site which sits between a detached 2 storey dwelling at No 8 Baring Crescent, and a 2 storey semi-detached property at No 59 Reynolds Road.
 4. Policy EP3 of the South Bucks District Local Plan (LP) requires amongst other matters for development to be compatible with the scale, layout, siting and height of the site and its surroundings. Policy H9 has similar aims in respect of design and requires residential development to make provision for conveniently located, usable amenity space and protect the amenities of occupiers of nearby properties. LP Policy TR7 requires development proposals to make provision for the off-street parking of cars. The policy makes reference to Appendix 6 but I have not been provided with a copy of this and am unable to consider it in my determination of this scheme.
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5. The semi-detached form of the new dwellings and their external appearance would respect the character and appearance of the area. Whilst the ridge height would be higher than neighbouring development, the difference in height would not be significant. Ridge heights in the area vary and I am satisfied that the new dwellings would not appear dominant in the street scene or detract from the character and appearance of the area as a result.
6. The new dwellings would be sited off the party boundary with neighbouring properties. The space between dwellings in the area varies with lower density development and larger spaces between dwellings and their side boundaries in Baring Crescent, and higher density development with less space between side boundaries and dwellings in Reynolds Road. The space that would be provided between the new dwellings and the side boundaries would reflect that of the neighbouring property in Reynolds Road and would reflect the character of nearby properties and the locality. The proposal would not appear cramped within the plot or out of keeping with the character and appearance of the area.
7. The new dwellings would extend further into the rear garden than the existing bungalow. The resultant garden areas would be similar in size to those of nearby semi-detached properties in Reynolds Road. I am satisfied that the new garden areas would be conveniently located to the rear of the new dwellings. They would be of a size that would be suitable for these family sized dwellings and would provide usable amenity space, including space for sitting out, play equipment and other domestic paraphernalia. The aspect of the rear gardens would make them pleasant spaces for the intended future occupiers to enjoy their outdoor space. A good standard of outdoor amenity space would be provided.
8. The proposal would provide a shared parking area to the front of the new dwellings for 4 vehicles. An integral garage would also be provided for unit 10B. Although representations have been made by interested parties about the number of car parking spaces proposed, the Council acknowledge that the proposal satisfies its adopted standards. The proposal indicates that planting would be provided along the front boundary of the site at either side of the access. This would assist in reducing the visual impact of the parking area, as would the use of materials on the hard surfaced area. Such matters could be controlled by way of suitably worded planning conditions.
9. The Council and interested parties submit that the siting and layout of the parking spaces would be impractical and awkward to use. I acknowledge that the parking area provides limited space between the respective spaces and that more than one vehicle would not be able to access or egress the area at any one time. However, the likelihood of more than one vehicle wishing to use the spaces at any one time would be limited. Although a driver of a vehicle wishing to use the parking area at the same time as another would have to wait for the other to arrive or leave the area, this would be likely to take only a short time. Such events would be unlikely to result in inconvenience to users of the parking spaces. It is noteworthy that the Highway Authority considered that the proposed parking area was acceptable.
10. The Council has also expressed concern that if the roof space of the new dwellings is developed in the future this would be likely to place strain on the availability of on-street parking in the area. The provision of accommodation

within the roof space is not before me as part of the appeal scheme and I attach limited weight to the concerns raised in this regard in my consideration of the proposal.

11. Although not forming part of the Council's reason for refusing the application, local residents have expressed concern about the removal of the hedgerow along the site frontage and trees within the garden. I have not been provided with evidence that the trees are protected. The trees in the front garden are of a modest size and make a limited contribution to the attractiveness of the street scene. The hedgerow along the frontage is an attractive feature and whilst it is shown for removal, there would be the opportunity to provide landscaping along the frontage of the site.
12. Having regard to the above matters, I conclude that the proposal would be compatible with the character and amenities of the area. There would be no conflict with the aims of LP Policies EP3, H9 or TR7. Furthermore, there would be no conflict with the core planning principles of the National Planning Policy Framework (the Framework) relating to high quality design and the account that should be given to the different roles and character of different areas.

Other Matters

Highway Safety

13. I have no reason to doubt that the local roads are a popular place to park given the proximity of shops and services. However, I have not been provided with convincing evidence that this is an area under parking stress or that the presence of on-street parking has resulted in harm to highway safety. I have found that the proposal would provide car parking in accordance with the Council's standards. Given this, it is unlikely that the proposal would place undue pressure on the availability of on-street parking in the area.
14. In the event that a vehicle had to wait in the road to turn into the appeal site whilst another was leaving it, this would only be likely to be for a short time. Given the residential nature of nearby roads and low traffic speeds, I am not convinced that such occurrences would result in harm to highway safety. Several properties have parking areas to the front of them and my attention has not been drawn to problems arising from the use of such areas.
15. There are parking restrictions along Baring Crescent, Woodside Road and Reynolds Road close to the appeal site. The new access would have a similar locational relationship to the junction with Woodside Road as that at No 59 Reynolds Road. I observed that this property has space for 2 vehicles to park to the front of it. I have not been provided with evidence that the use of this access has resulted in conflict between vehicles and other road users, including pedestrians as a result of its relationship to this junction.
16. The proposal includes visibility splays and a space for vehicles to turn, which would enable drivers of them to leave the site in a forward gear. Whilst noting the concerns raised in respect of the proposed visibility splays, they have been designed to reflect the traffic speed in the area, as opposed to the 30 miles per hour speed limit. The Highway Authority considers that such an approach is acceptable and has confirmed that the splays could be provided without encroaching onto third party land. On the basis of the evidence before me, I have no reason to reach a contrary view in this regard.

17. The Framework makes it clear at paragraph 32 that decisions should take account of whether safe and suitable access to the site can be achieved for all people. I have found that this would be the case. The paragraph also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. I have found that this would not be the case in this appeal. For the reasons given, I find that the proposal would not be harmful to highway safety.

Effect on Living Conditions

18. The new dwellings would be sited to the east of No 25 Baring Crescent, which is located on the opposite side of the road to the appeal site. Given the separation distance between the respective properties, I am not convinced that the new dwellings would result in a loss of light to the first floor windows in the front elevation to this property. Harm to the living conditions of the occupiers of this property as a result of the proposal would not occur.
19. There would be a first floor window on the side elevation of one of the new units (No 10A). This window would serve an en-suite. To prevent overlooking of No 8 and its garden and to protect the living conditions of occupiers of this property, it is reasonable to control the opening and glazing of this window. This could be secured by planning condition.

Effect on Infrastructure

20. Representations have been made that the proposal would adversely affect infrastructure in the area, including drainage. These matters were not raised as a reason for refusal in the Council's decision notice. However, the submitted photographs indicate that there is an issue regarding surface water pooling within the highway. As such, it is necessary to ensure that the proposed scheme would not exacerbate this situation. This could be controlled by a planning condition and would allow the Council to assess the suitability of the submitted scheme.
21. In terms of the effect of the scheme on other infrastructure in the area, I have no evidence before me that existing services and systems could not accommodate an additional dwelling upon this site. I therefore attach limited weight to this matter in my overall Decision.

Submitted Plans

22. Concern has been raised that the drawings submitted with the planning application were not accurate and did not include dimensions. The Council's Committee report acknowledged that the original drawings were incorrect but this was rectified during the course of the planning application. The Council consider that the revised drawings provide an accurate reflection of what is being proposed. I have no reason to disagree. In any event, if it were found that the drawings were not accurate, this is a matter that would need to be addressed with the Council in the first instance.

Loss of Bungalow Accommodation

23. I have not been directed to any policies which would control the retention of single storey accommodation in the area, or provided with substantive evidence that there is a local need for this type of accommodation. I therefore attach limited weight to this matter in my overall Decision.

Conditions

24. The Council has provided me with a list of conditions it would wish to see imposed in the event that the appeal was successful. The appellant has been given the opportunity to comment on the suggested conditions and I have taken into account the comments made. I have considered the suggested conditions against the guidance on this matter in the Framework and the Planning Practice Guidance. I have however amended the wording of some of the suggested conditions to reflect this guidance.
25. To ensure that the development is carried out in accordance with the approved plans, a condition is necessary. Conditions controlling external materials, hardsurfacing and landscaping are necessary to protect the character and appearance of the area. I have amended the wording of the landscaping condition so that it relates to the front boundary of the site only, as the submitted drawings show the retention of much of the boundary landscaping to the rear of the new dwellings. A condition controlling certain permitted development rights for extensions and outbuildings is also necessary to ensure that sufficient outdoor amenity space is provided for the intended future occupiers of the new dwellings, and to protect the character and appearance of the area.
26. In the interests of highway safety conditions are necessary in respect of the provision of car parking, visibility splays and the closure of the existing access. To protect the living conditions of nearby occupiers, conditions are necessary controlling the specification of the first floor window in the side elevation, and the use of the flat roofed areas to the rear of the new dwellings. To ensure that the site is suitably drained, a condition relating to surface water drainage is necessary.
27. A condition preventing windows at or above first floor level is not necessary as any windows in such locations are controlled by the Town and Country Planning (General Permitted Development) (England) Order 2015¹. A condition relating to the removal of permitted development rights for the enlargement of and alteration to the roof of the new dwellings is not necessary, given my findings in respect of car parking and highway safety.

Conclusion

28. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

R C Kirby

INSPECTOR

¹ Schedule 2, Part 1, Class A

SCHEDULE

CONDITIONS

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed: Site location plan; Drg Nos. 16.41.01 and 16.41.02.
- 3) No development shall commence until details /samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details /samples.
- 4) No development shall commence until details /samples of the materials to be used in the construction of any hardsurfaced areas have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details /samples.
- 5) No development shall commence until details of soft landscape works to the front of the new dwellings and a timetable for implementation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Any trees, hedgerows or shrubs forming part of the approved scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Notwithstanding the provisions of Article 3 and Classes A and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of or to any dwellinghouse the subject of this permission shall be carried out and no building or enclosure shall be constructed or placed on any part of the land covered by this permission.
- 7) The integral garage the subject of this permission shall only be used for the accommodation of private motor vehicles or for purposes incidental to the enjoyment of the dwelling. It shall not be used for any business purpose, or converted into living accommodation.
- 8) The building hereby permitted shall not be occupied until the window at first floor window in the southwest elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained.
- 9) The flat roofed areas to the rear of the dwellings hereby approved shall not be used as a balcony, roof garden, sitting out area or similar outdoor amenity area.

- 10) The scheme for parking and manoeuvring indicated on the approved drawings shall be laid out prior to the first occupation of the dwellings hereby approved and these areas shall be retained for these purposes.
- 11) The development shall not be occupied until visibility splays at the entrance into the site have been provided in accordance with the approved drawings. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
- 12) Within one month of the new access being brought into use, the existing access points into the site shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary, or in accordance with a scheme that has been submitted to and approved in writing by the local planning authority.
- 13) No building hereby permitted shall be occupied until surface water drainage works, incorporating sustainable drainage principles and future management and maintenance have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.